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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/885,879	06/20/2001	Philip Shi-Lung Yu	I01.042	4509

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EXAMINER	
SHIMIZU, MATSUICHIRO	
ART UNIT	**PAPER NUMBER**
2635	5

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Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary	Application No.	Applicant(s)	
	09/885,879	YU ET AL.	
	Examiner	Art Unit	
	Matsuichiro Shimizu	2635	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

1)☒ Responsive to communication(s) filed on *20 June 2001*.

2a)☐ This action is **FINAL**. 2b)☒ This action is non-final.

3)☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

4)☒ Claim(s) *1-42* is/are pending in the application.

4a) Of the above claim(s) _____ is/are withdrawn from consideration.

5)☐ Claim(s) _____ is/are allowed.

6)☒ Claim(s) *1-42* is/are rejected.

7)☐ Claim(s) _____ is/are objected to.

8)☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

9)☐ The specification is objected to by the Examiner.

10)☐ The drawing(s) filed on _____ is/are: a)☐ accepted or b)☐ objected to by the Examiner.

Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).

Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).

11)☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. §§ 119 and 120

12)☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).

a)☐ All b)☐ Some * c)☐ None of:

1.☐ Certified copies of the priority documents have been received.

2.☐ Certified copies of the priority documents have been received in Application No. _____.

3.☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

13)☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. § 119(e) (to a provisional application) since a specific reference was included in the first sentence of the specification or in an Application Data Sheet. 37 CFR 1.78.

a) ☐ The translation of the foreign language provisional application has been received.

14)☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121 since a specific reference was included in the first sentence of the specification or in an Application Data Sheet. 37 CFR 1.78.

Attachment(s)

1) ☒ Notice of References Cited (PTO-892)
2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
3) ☒ Information Disclosure Statement(s) (PTO-1449) Paper No(s) *2*.
4) ☐ Interview Summary (PTO-413) Paper No(s). _____.
5) ☐ Notice of Informal Patent Application (PTO-152)
6) ☐ Other: .

Claim Rejections - 35 USC § 112

Claims 8 and 21 are rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

Claims 8 and 21 recites the limitation "said localized area" in claims 8 and 21. There is insufficient antecedent basis for this limitation in the claim.

Claim Rejections - 35 USC § 102

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

> A person shall be entitled to a patent unless -
> (b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

Claims 27 and 30-31 and 33-40 are rejected under 35 U.S.C. 102(b) as being anticipated by Logan et al. (5,732,216).

Regarding claim 27, Logan teaches a method for providing content, comprising: transmitting at least one wireless signal within a localized area (col. 6, lines 39-44, area associated with cellular radio coverage), said at least one signal being indicative of availability of a plurality of content segments (Fig. 4, col. 28, line 18-27 and col. 28, line 61-col. 29, line 4; transmitting signal associated with availability of a selected subject matter of interest is audibly announced or indicated) within said localized area (col. 6, lines 39-44, local area associated with cellular radio coverage area); and transmitting (Fig. 1, col. 6, lines 39-44, host server to cellular radio for communication to subscriber) at least one of said plurality of content segments via a wireless signal within said localized area (col. 6, lines 39-44, area

associated with cellular radio coverage).

Regarding claim 30, Logan teaches the method of claim 27, further comprising: receiving a notification regarding a selection of one of said plurality of content segments (col. 10, lines 15-36, confirmation or notification of received advertising subject and subsequent credit to the subscriber in the base station as a result of selecting content segment).

Regarding claim 31, Logan teaches the method of claim 27, further comprising: receiving a request to transmit at least one of said plurality of content segments (col. 23, line 62 to col. 24, line 5, specific subject matter associated with subscriber attributes).

Regarding claim 33, Logan teaches the method for receiving content, comprising: receiving data indicative of availability (co. 11, lines 35-57, an indication of the duration of programming remaining to be played) of at least one content segment within a localized area; and locating a device within said localized area (col. 6, lines 39-44, area associated with cellular radio coverage), wherein said device is capable of receiving a signal indicative of said at least one of said at least one content segment.

Regarding claim 34, Logan teaches the method of claim 33, wherein said receiving data indicative of availability (co. 11, lines 35-57, an indication of the duration of programming remaining to be played) of at least one content segment within a localized area includes receiving said data while said device is in said localized area (col. 6, lines 39-44, area associated with cellular radio coverage).

Regarding claim 35, Logan teaches the method of claim 33, further comprising: transmitting data indicative of said at least one content segment within said localized area (col. 6, lines 39-44, area associated with cellular radio coverage);

transmitting data indicative of said at least one content segment outside said localized area (col. 6, lines 39-44, transition to neighboring coverage area associated with cellular radio coverage wherein the cellular radio is in current coverage area and bordering the neighboring coverage area); receiving said data while outside said localized area and transmitting data indicative of said content segment within said localized area; and receiving said data while inside said localized area and transmitting data indicative of said content segment within said localized area (col. 6, lines 39-44, area associated with cellular radio coverage).

Regarding claim 36, Logan teaches the method of claim 33, further comprising: selecting said at least one of said at least one content segment (col. 23, line 62 to col. 24, line 5, specific subject matter associated with subscriber attributes).

Regarding claim 37, Logan teaches the method of claim 33, wherein said signal is one of the following: an electromagnetic signal (col. 6, lines 39-44, cellular radio).

Regarding claim 38, Logan teaches the method of claim 33, further comprising: providing a notification of a selection of said at least one of said at least one content segment (col. 10, lines 15-36, advisory indication or notification to better control the cost of services with compensation).

Regarding claim 39, Logan teaches the method of claim 33, wherein said localized area includes an area surrounding a device (col. 6, lines 39-44, area surrounding base station associated with cellular radio coverage).

Regarding claim 40, Logan teaches a method for processing content, comprising: providing data indicative of an attribute (co. 11, lines 35-57, an indication of the duration of programming remaining to be played); receiving data indicative of a content segment selected (co. 11, lines 35-57, an indication of the duration of

programming remaining to be played), at least in part, on said attribute; and providing data indicative of said content segment within a localized area (col. 6, lines 39-44, area associated with cellular radio coverage).

Claim Rejections - 35 USC § 103

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

> (a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negatived by the manner in which the invention was made.

This application currently names joint inventors. In considering patentability of the claims under 35 U.S.C. 103(a), the examiner presumes that the subject matter of the various claims was commonly owned at the time any inventions covered therein were made absent any evidence to the contrary. Applicant is advised of the obligation under 37 CFR 1.56 to point out the inventor and invention dates of each claim that was not commonly owned at the time a later invention was made in order for the examiner to consider the applicability of 35 U.S.C. 103(c) and potential 35 U.S.C. 102(e), (f) or (g) prior art under 35 U.S.C. 103(a).

Claims 28-29 are rejected under 35 U.S.C. 103(a) as being unpatentable over Logan et al. (5,732,216).

Regarding claims 28-29, Logan does not teach the method of claim 27, wherein said localized area includes a room (col. 6, lines 39-58, a room within a public transportation or train).

However, one of ordinary skill in the art recognizes a public transportation (col. 6, lines 39-58, a public transportation or train) in the art of Logan includes a

passenger train wherein said train may include many rooms. Furthermore, said passenger train and said rooms are in localized area. Therefore, it would have been obvious to a person skilled in the art at the time the invention was made to include said localized area includes a room in the device of Logan because Logan suggests a public transportation and one ordinary skill in the art recognizes said localized area includes a room for the purpose of providing privacy.

Claims 1-26 and 41-42 are rejected under 35 U.S.C. 103(a) as being unpatentable over Logan et al. (5,732,216) in view of Takeda et al. (6,668,157).

Regarding claim 1, Logan teaches a method for providing content, comprising: determining at least one attribute of a person (col. 9, lines 27-42, col. 23, line 62 to col. 24, line 5; col. 20, lines 15-24, male, female, young, old classification); determining a content segment based (col. 23, line 62 to col. 24, line 5, subject matter associated with subscriber attributes), at least in part, on said at least one attribute of said person; and providing said content segment to a device (col. 6, line 39 to col. 7, line 2, subscriber or client cellular radio) associated with said person. But Logan does not teach said device is capable of transmitting said content segment.

However, Takeda teaches, in the art of wireless communication system, said device is capable of transmitting information (col. 7, lines 25-39, information transmission between device via E channel) for the purpose of providing expanded communication coverage. Furthermore, one of ordinary skill in the art recognizes transmitting information and transmitting said content segment are associated with data transmission. Therefore, it would have been obvious to a person skilled in the art at the time the invention was made to include said device is capable of transmitting

said content segment in the device of Logan because Logan suggest said device is capable of transmitting information and one of ordinary skill in the art recognizes said device is capable of transmitting said content segment for the purpose of providing expanded communication coverage.

Regarding claim 2, Logan teaches the method of claim 1, wherein said determining at least one attribute of a person includes receiving data indicative of a topic of interest to said person (col. 23, line 62 to col. 24, line 5, subject matter associated with subscriber attributes).

Regarding claim 3, Logan teaches the method of claim 1, wherein said determining a content segment based, at least in part, on said at least one attribute includes: receiving a request for a specific content segment (col. 23, line 62 to col. 24, line 5, specific subject matter associated with subscriber attributes).

Regarding claim 4, Logan teaches the method of claim 1, wherein said providing said content segment to a device associated with said person includes sending a notification to said device (col. 37, line 65 to col. 38, line 10, notifying a scheduled radio broadcast for the player associated with subscriber).

Regarding claim 5, Logan teaches the method of claim 1, wherein said transmitting said content segment includes broadcasting said content segment within a localized area containing said device (col. 37, line 65 to col. 38, line 10, notifying a scheduled radio broadcast for the player associated with subscriber).

Regarding claim 6, Logan teaches the method of claim 1, wherein said attribute of said person includes a residence of said person (col. 21, lines 7-30, address of a person associated with account).

Regarding claim 7, Logan teaches the method of claim 1, wherein said content segment includes an advertisement (col. 23, line 12 to col. 24, line 5, advertisement).

Regarding claim 8, Logan teaches the method of claim 1, further comprising: determining said localized area (col. 6, lines 39-44, area associated with cellular radio coverage wherein subscriber is located via registration).

Regarding claim 9, Takeda teaches the method of claim 1, further comprising: providing a notification of said content segment to a second device (col. 7, lines 25-39, information transmission between device via E channel).

Regarding claim 10, Takeda teaches the method of claim 1, further comprising: providing a notification of said content segment to a second person (col. 7, lines 25-39, information transmission between device via E channel).

Regarding claim 11, Logan teaches the method of claim 1, further comprising: determining an attribute of said device (col. 6, lines 39-61, high speed file transfer, cellular radio).

Regarding claim 12, Logan teaches the method of claim 1, where in said attribute of said device includes a display capability of said device (col. 4, lines 64-65, display 118 of player 103).

Regarding claim 13, Logan teaches the method of claim 1, further comprising: determining said device (col. 4, lines 59-65, audio at the speaker 113).

Regarding claim 14, Logan teaches the method of claim 13, wherein said determining said device includes selecting said device from a plurality of devices associated with said person (col. 6, line 39-col. 7, line 7, said person with cellular radio or Laptop using CDPD).

Regarding claim 15, Logan teaches the method of claim 1, further comprising: determining said person (col. 10, lines 15-37, determining said subscriber while suppressing others).

Regarding claim 16, Logan teaches the method of claim 15, wherein said determining said person includes identifying said person from data included in a request to provide a content segment (col. 9, lines 28-42, user's full name and billing address).

Regarding claim 17, Logan teaches the method of claim 1, wherein said device is a user device (col. 10, lines 42-53, password protected user or subscriber).

Regarding claim 18, Logan teaches the method of claim 1, further comprising: determining compensation available to said person (col. 2, lines 44-46, subscriber receive credit associated with compensation).

Regarding claim 19, Logan teaches the method of claim 18, further comprising: providing a notification regarding said compensation (col. 10, lines 15-36, advisory indication to better control the cost of services with compensation).

Regarding claim 20, Logan teaches the method of claim 1, further comprising: providing said compensation (col. 2, lines 44-46, subscriber receive credit associated with compensation).

Regarding claim 21, Logan teaches the method of claim 1, wherein said localized area includes an area surrounding a device (col. 6, lines 39-44, cellular radio coverage area wherein cellular radio is located).

Regarding claim 22, Logan teaches the method of claim 1, further comprising: determining an identity of said person (col. 9, lines 28-42, subscriber identified by age, profession, sex, marital status).

Regarding claim 23, Logan in view of Takeda teaches the method of claim 1, further comprising: determining a rule governing transmission (Takeda-col. 7, lines 40-47, transmission to prevent interfering to one another, the respective vehicles periodically communicate be UHF method to broadcast identification information for identifying the own vehicle and current position) of said content segment (Logan-col. 23, line 62 to col. 24, line 5, subject matter associated with subscriber attributes) by said device.

Regarding claim 24, Logan teaches the method of claim 1, further comprising: receiving confirmation of said attribute (col. 10, lines 15-36, confirmation of received advertising subject and subsequent credit to the account of the subscriber with specific attribute, male or female).

Regarding claim 25, Logan teaches the method of claim 1, further comprising: receiving a notification that said content segment has been received by said device (col. 10, lines 15-36, confirmation or notification of received advertising subject and subsequent credit to the subscriber in the base station).

Regarding claim 26, Logan teaches the method of claim 1, further comprising: receiving a notification that said content segment has been transmitted by said device (col. 10, lines 15-36, transmitting the confirmation signal of received advertising subject and subsequent credit to the subscriber).

Regarding claim 41, Logan teaches a system for providing content (Fig. 1, col. 6, lines 27-35, subscriber and advertiser associated with specific content player), comprising: a memory (Fig. 1, program data library) ; a communication port (Fig. 1, internet port123); and a processor (Fig.1, downloading processing 151) connected to said memory and said communication port, said processor being operative to:

determine at least one attribute of a person (co. 9, lines 28-42, subject matter category associated with subscriber); determine a content segment based, at least in part, on said at least one attribute of said person; and provide said content segment to a device associated with said person (Fig. 1, device 103). But Logan does not teach said device is capable of transmitting information to anther device.

However, Takeda teaches, in the art of wireless communication system, said device is capable of transmitting information (col. 7, lines 25-39, information transmission between device via E channel) for the purpose of providing mobile-to-mobile communication. Therefore, it would have been obvious to a person skilled in the art at the time the invention was made to include said device is capable of transmitting said content segment in the device of Logan because Logan suggest providing said content segment to a device and Takeda teaches said device is capable of transmitting information associated with said content segment for the purpose of providing mobile-to-mobile communication.

Regarding claim 42, Logan teaches a computer program product (col. 4, lines 39 to col. 5, line 62, product associated with download processing mechanism seen at151 in the server 101) in a computer readable medium for providing content, comprising: first instructions for identifying at least one attribute of a person (col. 5, lines 57-62, download processing data specified by the user or subscriber); second instructions for identifying a content segment based, at least in part, on said at least one attribute of said person; and third instructions for sending said content segment to a device associated with said person. But Rogan does not teach said device is capable of transmitting information to anther device.

However, Takeda teaches, in the art of wireless communication system, said device is capable of transmitting information (col. 7, lines 25-39, information transmission between device via E channel) for the purpose of providing mobile-to-mobile communication. Therefore, it would have been obvious to a person skilled in the art at the time the invention was made to include said device is capable of transmitting said content segment in the device of Logan because Logan suggest providing said content segment to a device and Takeda teaches said device is capable of transmitting information associated with said content segment for the purpose of providing mobile-to-mobile communication.

Claim 32 is rejected under 35 U.S.C. 103(a) as being unpatentable over Logan in view of Kauffman et al. (5,260,778).

Regarding claim 32, Logan teaches the method of claim 27, wherein transmitting at least one of said plurality of content segments via a wireless signal within said localized area includes transmitting said at least one of said plurality of content segments via a wireless signal (col. 6, lines 39-44, wireless communication; col. 23, line 62 to col. 24, line 5, transmitting subject matters associated with subscriber attributes). But Logan does not teach transmitting wireless signal at least twice during a designated time period.

However, Kauffman teaches, in the art of transmission communication system, transmitting signal at least twice during a designated time period via cable (col. 2, line 65-col. 3, line, repeated message transmissions within predetermined time period) for the purpose of providing reliable communication. Furthermore, one of ordinary skill in the art recognizes transmission of signal via cable and wireless transmission of signal

provide same data transmission. Therefore, it would have been obvious to a person skilled in the art at the time the invention was made to include in the device of Logan because Logan suggest wireless signal transmission and one of ordinary skill in the art recognizes transmitting wireless signal at least twice during a designated time period. for the purpose of providing reliable communication.

Contact Information

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Matsuichiro Shimizu whose telephone number is (703) 306-5841. The examiner can normally be reached on Monday through Friday from 8:00 AM to 4:30 PM. If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Michael Horabik, can be reached on (703-305-4704). The fax phone number for the organization where this application or proceeding is assigned is (703-305-3988).

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is (703-305-8576).

Matuichiro Shimizu

March 11, 2004

BRIAN ZIMMERMAN
PRIMARY EXAMINER